

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the allowance of claims 1-10 of the present application. Applicants would also like to express their appreciation to the Examiner for indicating the allowability of claim 14, if rewritten in independent form to include the limitations of claims 11 and 13. However, Applicants have not so amended claim 14 because independent claim 11, from which claim 14 ultimately depends, has been amended and is believed to be allowable, as discussed below.

Claims 1-18 are currently pending. Claim 14 is objected to as being dependent upon a rejected base claim. Claims 11-13 and 15-18 stand rejected. Applicants respectfully request reconsideration of the outstanding rejections, withdrawal of all rejections, and allowance of claims 11-18, together with claims 1-10.

Upon entry of the present amendment, claim 11 will have been amended to more clearly recite the claimed subject matter and to enhance the clarity of the claim language, while not substantially affecting or narrowing the scope of this claim. Applicants respectfully submit that all claims are in condition for allowance.

In the outstanding Final Official Action, the Examiner rejected claims 11-13, 15-16, and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,473,430 to SREEDHARAN et al. in view of U.S. Pat. No. 6,289,001 to SMYK in further view of U.S. Pat. No. 6,633,569 to HEMMADY. Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over SREEDHARAN et al. in view of SMYK in further view of HEMMADY in further view of U.S. Pat. No. 5,903,559 to ACHARYA. Applicants respectfully traverse the Examiner's rejections for at least the following reasons.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 11 has been amended to clarify that the connection setup signal and the proxy signal are provided over different channels. In particular, claim 11 has been amended to recite, *inter alia*, "receiving, by a non-switching capable first controller, a first connection setup signal **over a signaling channel** from a first end system, the first connection setup signal being routed through a first ATM switch" and "sending a first proxy signal **over a proxy signaling channel** from the first controller to the first ATM switch to instruct the first ATM switch to set up an SVC connection" (emphasis added). Applicants note that this amendment is consistent with the subject matter of allowed claim 1, which recites a signaling channel and a proxy signaling channel, and thus does not raise new issues requiring further search or consideration.

The Examiner has acknowledged that SREEDHARAN et al. do not teach "a controller sending a first proxy signal to an ATM switch in order to set up an SVC connection across the ATM network." (See page 3 of Final Office Action dated 9/20/06). Thus, SREEDHARAN et al. also do not teach a proxy signaling channel that is separate from a channel over which the connection setup request is transmitted.

Rather, the SREEDHARAN et al. reference generally suggests a method that incorporates a frame relay proxy controller **230** in ATM switch **113** over which an SVC connection is established between a frame relay proxy controller and a second node, based on information received *over a single fixed channel from a first node*. Specifically, SREEDHARAN et al. disclose that "once the tunneling PVC connection is defined by NMS  
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**140** between access concentrator **130** and the frame relay proxy controller, all future SVC communications ... are automatically transferred via the tunneling PVC connection." (See column 5, lines 59-67 of SREEDHARAN et al.). Clearly this does not teach or suggest receiving a first connection setup signal over a signaling channel and sending a proxy signal over a proxy signaling channel.

Furthermore, SREEDHARAN et al. do not disclose a "first connection setup signal being routed through a first ATM switch," as recited in claim 11. In fact, SREEDHARAN et al. do not appear to even mention a first connection setup signal nor such a signal being routed through an ATM switch. Additionally, Applicants submit that the frame relay proxy controller **230** disclosed in the SREEDHARAN et al. reference is *not separate but rather is integrated with the ATM switch*. Therefore, the proxy controller **230** has switching capabilities. This is clearly distinguishable from the claimed controller, which is recited as "non-switching capable."

The Examiner has admitted that SREEDHARAN et al. do not disclose a controller sending a first proxy signal to an ATM switch in order to set up an SVC connection across the ATM network. The Examiner therefore cited SMYK as teaching "a system where a proxy agent receives a setup request from an ATM switch and then sends a proxy signal to the switch." (See page 3 of Final Office Action dated 9/20/06). However, it is respectfully pointed out that the proxy agent of SMYK is a device for selecting proxy agents; proxy signals are not transmitted "in response to the received first connection setup signal." Also, the first proxy signal does not reflect "a result of the policy management." The referenced sections of SMYK generally suggest connecting to another proxy when one proxy fails; no

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mention is made of a connection setup request nor of sending a proxy signal to an ATM switch in response to a connection setup request. Thus, SMYK does not teach **"sending a first proxy signal over a first proxy signal channel...from the first controller to the first ATM switch to instruct the first ATM switch to set up an SVC connection across an ATM network"** (emphasis added), as recited by Applicants' independent claim 11.

The Examiner relied on HEMMADY only to teach the controller performing policy management for the ATM switch. HEMMADY therefore does not cure the deficiencies of the other references.

Consequently, for at least these reasons it is requested that the Examiner withdraw the rejection of independent claim 11 and provide an indication of its allowability.

With regard to claims 12-18, Applicants assert that they are allowable at least because they depend from independent claim 11, which Applicants submit has been shown to be allowable. Dependent claims 12-18 are also believed to recite further patentable subject matter of the invention and therefore are also believed allowable over the prior art. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims, in addition to reasons related to their own recitations.

Accordingly, Applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

SUMMARY AND CONCLUSION

Applicants note the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicants note amendments after final are not entered as a matter of right; however, Applicants submit that the amendments made to the pending claims do not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Any amendments to the claims in this Amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Applicants have made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicants have pointed to numerous features of the claims that are not disclosed, suggested or rendered obvious by the documents applied in the Final Official Action. Accordingly, Applicants respectfully submit that a clear basis for the patentability of claims 11-18 has been established, and an indication to that effect is respectfully requested.

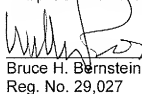
If any extension of time is deemed to be necessary to maintain the pendency of the application, including any extension of time fees for entry of an Examiner's Amendment, the Patent and Trademark Office is hereby requested and authorization is hereby provided (P19897 00092065.DOC)

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to charge any necessary fees to maintain the pendency of this application to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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